

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4758 of 2018

In
Letters Patent Appeal No.891 of 2017

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1. The State of Bihar, through District Magistrate, Begusarai.
 2. The Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
 3. The District Magistrate, Begusarai.
 4. The District Land Acquisition Officer, Begusarai.
 5. The Chief Engineer Water Resources Department, Samastipur.
 6. The Executive Engineer, Flood Control Div.1, Khagaria.
 7. The Executive Engineer, Flood Control Division, Barauni Camp, Begusarai.
 8. The Sub- Divisional Officer, Flood Control and Waterways Sub- Division, Majhaul Camp, Begusarai, District- Begusarai.

... .. Petitioners

Versus

Brigadier Ram Nandan Prasad Singh, Resident of Village Babhangama, P.O. Pahsara, Babhangama, P.S. Nowkothi, Via- Majhaul, District- Begusarai at present residing at House No. 9, Sector- 23, Gurgaon, Haryana.

... .. Opposite Party

with

Letters Patent Appeal No. 891 of 2017
In
Civil Writ Jurisdiction Case No.13112 of 2010

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1. The State of Bihar, through the District Magistrate, Begusarai.
 2. The Secretary, Department of Revenue and Land Reform, Govt. of Bihar, Patna.
 3. The District Magistrate, Begusarai.
 4. The District Land Acquisition Officer, Begusarai.
 5. The Chief Engineer, Water Resources Department, Samastipur.
 6. The Executive Engineer, Flood Control Division- 1, Khagaria.
 7. The Executive Engineer, Flood Control Division, Barauni Camp, Begusarai.
 8. The Sub-Divisional Officer, Flood Control and Waterways Sub-Division Majhaul Camp. Begusarai Distri

... .. Appellants

Versus

Brigadier Ram, Son of Nandan Prasad Singh Resident of village -Babhangama, P.O.Pahsara,Babhangama,P.S. Nowkothi via Majhaul,District Begusarai at present residing at House no. 09 ,Sector 23,Gurgaon, Haryana.



... .. Respondent

Appearance :

(In Miscellaneous Jurisdiction Case No. 4758 of 2018)

For the Petitioner/s : Mr. Hari Shankar Roy Ac To A.G.

For the Opposite Party/s : Mr.

(In Letters Patent Appeal No. 891 of 2017)

For the Appellant/s : Mr. Hari Shankar Roy

For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

16 13-11-2019 Having perused the record, we are of the considered view that no further order is required to be passed in the present petition for the instant L.P.A. stood dismissed for non-prosecution which facts stood recorded in order dated 26th November 2018, passed in L.P.A. No. 892 of 2017, titled as the State of Bihar and Ors. Vs. Brigadier Ram Nandan Prasad Singh. The present appeal stands dismissed as such.

Despite our repeated requests, learned counsel could not point out the order restoring the appeal, as is so argued before us.

In any event, we find on merit the state cannot be allowed to agitate the issue at this point of time for all litigation and that must come to an end at some stage. We are dealing with a case, where this Court had directed the State to take appropriate action in view of the order dated 12th October 1998,



passed in C.W.J.C. No. 1654 of 1997, but for some reason or the other, the state chose not to implement the order in its true letter and spirit. Litigant has got a right to seek appropriate remedy but it has to be in accordance with law. Helpless citizen cannot be harassed by resorting to multiple proceedings which we find are frivolous in nature.

The State must be adhered to its litigation policy in itself and not act as a cantankerous litigant.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Ashwini/Amrendra

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